

FILED  
 UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA  
 vs.  
 Jose Maldonado GUERRA


) Magistrate's Case No.  
 )  
 ) CLERK U.S. DISTRICT COURT  
 ) SOUTHERN DISTRICT OF CALIFORNIA  
 ) COMPLAINT FOR VIOLATION OF  
 ) 21 U.S.C. 952 and 960  
 ) DEPUTY  
 ) Unlawful Importation of a Controlled Substance  
 )  
 )  
 )  
 )

The undersigned complainant being duly sworn states:

COUNT ONE

That on or about February 5, 2008, within the Southern District of California, defendant Jose Maldonado GUERRA did knowingly and intentionally import approximately 14.54 kilograms (31.99 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof; in violation of Title 21, United States Code, Sections 952 and 960.

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
 Signature of Complainant  
 U.S. Immigration and Customs Enforcement

Sworn to before me and subscribed in my presence, this 6th day of February, 2008.

  
 United States Magistrate Judge

1 United States of America  
2 VS.  
3 Jose Maldonado GUERRA

4 PROBABLE CAUSE STATEMENT

5 On February 5, 2008, at approximately 4:55 a.m., Jose Maldonado GUERRA entered the  
6 United States through the Otay Mesa Port of Entry (POE) as the driver and sole occupant of a  
7 white 1998 Ford Explorer bearing U.S. California license plate 6BGC886. A U.S. Customs and  
8 Border Protection (CBP) Canine Enforcement Officer (CEO) was conducting pre-primary roving  
9 operations with his assigned Narcotics Detector Dog (NDD). The CEO observed the NDD alert  
10 to the presence of a narcotic odor coming from the spare tire. The CEO then notified a CBP  
11 Officer of the alert. The CBP Officer made contact with GUERRA on primary lane #13.  
12 GUERRA presented the Officer with his California Driver's License and birth certificate. The  
13 Officer then obtained two negative Customs declarations. The Officer inquired who the  
14 registered owner of vehicle was. GUERRA stated his girlfriend was the registered owner. The  
15 Officer then asked where he was going. GUERRA told her that he was going to work to San  
16 Diego, CA. The Officer conducted a cursory inspection on the vehicle. During the inspection,  
17 she examined the spare tire and noted that it felt as though a hard object was inside.  
18

19 The vehicle was taken to the secondary lot. A total of 14 packages containing  
20 approximately 14.54 kilograms of marijuana were found concealed within the vehicle. A  
21 presumptive test of one of the packages revealed a positive reaction to the presence of marijuana.  
22 GUERRA stated that he took an offer that he shouldn't have. GUERRA stated that an  
23 unidentified individual offered him five hundred dollars (\$500) to drive a spare tire across the  
24 border into the United States.  
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2 GUERRA was arrested and charged with violation of Title 21 USC 952, 960, Unlawful  
3 Importation of a Controlled Substance, and was booked into the Metropolitan Correctional  
4 Center, San Diego, CA.  
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